

# Tobacco Industry Surveillance of Public Health Groups: The Case of STAT and INFACT

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Public health advocates increasingly focus attention on the tobacco industry's role as "the vector of the tobacco epidemic"<sup>1(p206)</sup> and highlight industry behaviors that undermine public health and raise ethical concerns.<sup>2</sup> Industry-focused campaigns are effective in changing views of tobacco use,<sup>3-7</sup> but the study described in this article shows that such a strategy may also invite aggressively conducted industry surveillance.

Many businesses use "competitive intelligence" to learn about their competitors.<sup>8,9</sup> For example, it is common for companies to request competitors' publicly filed business reports, to attempt to learn about sales, or to conduct analyses of competitors' products. However, tobacco industry intelligence gathering extends beyond other cigarette companies to include tobacco control organizations, which the industry calls "the antis." Although such groups are not cigarette "competitors," they do compete with the industry for public opinion and the ear of policymakers, and thus they are perceived as a threat. In this article, evidence from internal tobacco industry documents is used to describe how the industry responded to 2 such groups, STAT (Stop Teenage Addiction to Tobacco) and INFACT (formerly the Infant Formula Action Coalition), both of which were active during the 1990s in drawing public and media attention to industry behaviors.

## METHODS

Data were collected from tobacco industry internal documents released as a result of the Minnesota Tobacco Settlement and other legal cases. Tobacco Institute (<http://www.tobaccoinstitute.com>), R.J. Reynolds (<http://www.rjtdocs.com>), and Philip Morris (<http://www.pmdocs.com>) document Web sites were searched for combined text fields such as "anti," "intelligence," and public health group names, including STAT, INFACT, DOC (Doc-

**Objectives.** The goal of this study was to describe how the tobacco industry collects information about public health groups.

**Methods.** Publicly available internal tobacco industry documents were reviewed and analyzed using a chronological case study approach.

**Results.** The industry engaged in aggressive intelligence gathering, used intermediaries to obtain materials under false pretenses, sent public relations spies to the organizations' meetings, and covertly taped strategy sessions. Other industry strategies included publicly minimizing the effects of boycotts, painting health advocates as "extreme," identifying and exploiting disagreements, and planning to "redirect the funding" of tobacco control organizations to other purposes.

**Conclusions.** Public health advocates often make light of tobacco industry observers, but industry surveillance may be real, intense, and covert and may obstruct public health initiatives. (*Am J Public Health.* 2002;92:955-960)

tors Ought to Care), and others. Searches of the Minnesota Tobacco Documents Depository were also conducted. Searches took place between January 1, 2001, and January 19, 2002, and involved systematic "snowball" searching techniques, as described elsewhere.<sup>10,11</sup> Data used included internal letters, memorandums, reports, and other documents. Findings were assembled chronologically into a narrative case study.

## RESULTS

### 1985: STAT Is Formed

STAT, founded in 1985 by Stanford MBA and activist Joe Tye, was almost immediately perceived as a threat by the industry. A grassroots group focused on the industry's targeting of children, STAT was well organized and media savvy. The first issue of *STAT-News* reported that STAT was "beginning a major project to analyze, catalog and index the documentation that is being generated as a result of tobacco products litigation," threatening further public exposure of potentially embarrassing industry documents.<sup>12</sup>

The industry responded quickly. At the Tobacco Institute, the industry's public relations organization, A.H. (Anne) Duffin, vice president and director of publications, sent a terse message, apparently to her assistant: "Please

start a file on this STAT group. And please run a complete search on it and Joe B. Tye."<sup>13</sup> Duffin advised colleagues that STAT had "implications for the industry in both legislative and litigative areas," describing its plans for a study with DOC on cigarette purchasing by minors and noting that the organization was selling copies of an anti-tobacco industry book, *Sixty Years of Deception*.<sup>14</sup>

This intelligence gathering had several purposes. In 1988, a Tobacco Institute public affairs division operational plan proposed "keep[ing] the Institute in the driver's seat" through "knowledge of anti-smoking announcements before the fact."<sup>15</sup> Betsy Annese of R.J. Reynolds public affairs attached a list of industry critics to a memorandum sent to Herb Osmon in 1987,<sup>16</sup> and Osmon presented several talks focusing entirely on tobacco control "zealots," apparently accompanied by slides with photographs of tobacco control activists and researchers.<sup>17-19</sup> Intelligence could be used to "discredit" public health groups, as recommended in a 1989 INFOTAB (the industry's international intelligence and research agency) report, *A Guide for Dealing With Anti-Tobacco Pressure Groups*, which advised executives to "discredit the often imported activists through the [tobacco control] coalition—ideally through third parties [emphasis in original]."<sup>20</sup>

## 1990: STAT Growth, Boycott of RJR–Nabisco

The industry used intermediaries to obtain STAT materials under the pretense of being interested members.<sup>21</sup> According to a STAT newsletter (found with numerous other STAT-generated materials among Philip Morris's internal documents), STAT had more than 5000 members by 1990 and was calling for a boycott of RJR–Nabisco products.<sup>22</sup> In August 1990, STAT held its first annual activists' conference in Boston. Cosponsored by DOC, it attracted participants from many organizations, including the Tobacco Institute. At least 1 industry spy "attended as an interested public relations specialist" and provided the Tobacco Institute with a detailed report on the conference.<sup>23</sup> "While the goal may be reduced tobacco use by minors, the actions encouraged are to harass two specific tobacco companies, Philip Morris and R.J. Reynolds Tobacco," the spy reported.<sup>23</sup>

Apparently, the spy was someone accepted and perhaps known by the "antis" but also recognizable within the industry: when conference attendees adjourned to picket at Fenway Park to protest tobacco advertisements, the spy left early, possibly fearing detection. "Because of my double status at the conference and because of likely media coverage, after consultation with [Tobacco Institute] personnel I departed," the spy reported.<sup>23</sup> The Tobacco Institute even received the summary of conference participant evaluations.<sup>24</sup>

Although R.J. Reynolds attempted publicly to minimize STAT's boycott, preparing a press release stating that "historically...boycotts have not been particularly successful,"<sup>25</sup> the extent of internal activity suggests concern. The Fleishman Hillard public relations agency sent regular intelligence reports to R.J. Reynolds, including copies of STAT's *Tobacco and Youth Reporter*. In addition, at least 1 R.J. Reynolds consultant, Susan Heenan Piscitelli, made a membership contribution to STAT as early as February 1991 and forwarded STAT mailings.<sup>26</sup> STAT was at that point writing letters about the industry's product placement in movies,<sup>27</sup> causing some consternation.

A letter from assistant general counsel Deborah Christie to Brennan Dawson, vice president for public affairs at the Tobacco Institute, sought advice on what the Liggett To-

bacco Company should do: "Should we ignore the [STAT] letter? Can the Tobacco Institute respond on behalf of its industry members?"<sup>28</sup> In addition to the intelligence and public relations efforts of INFOTAB and the Tobacco Institute on behalf of their tobacco company funders, the individual companies sometimes shared intelligence about opponents. In a 1991 memo, R.J. Reynolds's Tom Ogburn Jr noted that Philip Morris "has agreed to share with us their 'no mail' list... the list of people they have compiled whom they know should not be on our mailing lists. We will share similar information with them."<sup>29</sup>

## 1991: Major Intelligence Report for R. J. Reynolds

In March 1991, Joe Rodota of the Benchmark Research Group described to R.J. Reynolds's Osmon the preparation of intelligence research on antismoking groups, including "a review of potential allies opposed to one or more aspects of these organizations' agendas." This research also included field visits to DOC, STAT, the Tobacco Divestment Project, and other organizations "to see if these groups share offices with other organizations; retrieve pamphlets or other materials from local libraries; and confirm through city or county business filings the ownership or size of the organization."<sup>30</sup>

Later in 1991, Rodota proposed selecting "certain documents concerning the anti-smoking movement" that would be kept in binders for use by "selected company officials."<sup>31</sup> Rodota noted that the documents assembled "undoubtedly comprise the nation's largest collection of materials on anti-smoking groups, apart from materials maintained by the groups themselves."<sup>31</sup> The study reported on 21 organizations and included more than 30 000 pages.

Yet even as this massive intelligence report was being prepared, some in the company wondered about the implications of such efforts. "Your comment that we don't want to be in a position of developing a Richard Nixon-esque 'enemies' list is a point well-taken," wrote R.J. Reynolds's Rob Meyne in April 1991 to his public affairs colleague Tim Hyde. "The existence of such a list could, in and of itself, be a negative P.R. story... my

bottom line recommendation... would be that we encourage the Field Coordinators to collect the names of known antis as they come across them, and delete from our database those who prove to be a problem." A handwritten response at the bottom, signed "T" (probably Tim Hyde), concurs: "Exactly! For now, at least, we should simply put these names on our 'grief' file, along with under-ages and those demanding to be taken off the list, and the known dead."<sup>32</sup>

Industry spies attended the 1991 STAT conference. Judy Provosty of Fleishman Hillard duly reported to R.J. Reynolds that tobacco control advocates ridiculed industry intelligence: "During the middle of his lecture, [tobacco control activist Michael] Pertschuk ripped off his STAT name tag and admitted to being a tobacco industry mole. He donned a tie and jacket and introduced himself as Walker Merryman [a well-known Tobacco Institute spokesman]."<sup>33</sup> R.J. Reynolds was particularly upset at press coverage STAT received about its assertions that Joe Camel used phallic imagery and appealed to children. "This is perverted and deviant," a draft R.J. Reynolds letter to the editor spluttered.<sup>34</sup> The planned response was to "position Joe Tye as too extreme in his tactics and condemn his involving children in cigarette advertising," according to an R.J. Reynolds public relations strategy document.<sup>35</sup>

## 1992: Illegal Audiotaping of STAT Sessions

Beth Lancaster of Fleishman Hillard and R.J. Reynolds consultant Susan Heenan attended STAT's 1992 meeting, according to the STAT participants list found among other Tobacco Institute documents.<sup>36–38</sup> Lancaster (and possibly others) secretly tape-recorded the sessions, despite careful and explicitly announced security measures by the conference organizers.<sup>39</sup> In a report prepared for the industry, a spy describes the STAT strategy session on shareholders' resolutions aimed at tobacco companies:

This workshop was the strangest by far. Each participant was more or less searched and name badges were cross checked with the master list... (The tape sound quality is poor since the recorder had to be well hidden and once on, not adjusted. Several times you will hear random searches of belongings for security reasons). At one point... Mr. Garfield Ma-

hood (NRA [Nonsmokers' Rights Association]—Toronto) challenged the meetings [sic] security by saying “do we know everybody in this room?” [A]t that time it was suggested that chairs be circled with individual introductions around the room. Chaos followed as chairs were moved and several people headed out the door. ([A]ll names were rechecked and those who left were so noted on the list). A light visual sweep was made for cameras or recorders. The tension was great and the group was giddy for awhile . . . The workshop ran 15 minutes over time and people were starting to filter out—in order to conceal the recorder the last 50 seconds were not recorded. It is impossible to accurately summarize [sic] this meeting. The paranoia alone was just unbelievable [sic]. Needless to say you must hear it to believe it!<sup>40</sup>

This industry report suggests that there may have been several other industry spies in attendance who left the room to avoid detection, leaving Lancaster, who was apparently convincing in her self-presentation. A tape recording of this session was apparently used by someone to try to discredit STAT, according to industry reports about the following year's STAT conference. A Philip Morris document regarding the 1993 STAT conference reports that “audio or video recordings of the sessions were not permitted this year since a ‘tobacco spy’ was in the audience last year and had attempted to discredit and harm the reputation of a Canadian researcher.”<sup>41</sup> An R.J. Reynolds report on the same conference indicated that “security [was] intense—due to illegal recording obtained at 1992 conference that caused serious federal problems for STAT.”<sup>42</sup> This spy also reported: “Have made connection with the Advocacy Institute—the Scaresnet [tobacco control advocacy network] people.”<sup>42</sup>

A 1992 DOC internal organizational memo from Eric Solberg to the DOC executive committee, found on the R.J. Reynolds documents Web site, seems to indicate that industry surveillance reached the inner circles of some tobacco control groups. Written by Solberg shortly after the STAT conference, the confidential document expressed concern that DOC had not capitalized on its “Joe Camel” research and was marginalized. The copy on the R.J. Reynolds documents site shows that it was faxed from the Baylor Family Practice Center, where the organization's leaders practiced, suggesting that either someone at the clinic or a member of DOC's exec-

utive committee who received the fax provided it to the industry.<sup>43</sup>

### 1993–1998: INFACCT Campaign

In 1993, STAT engaged a powerful ally in its tobacco industry campaign: INFACCT. INFACCT was a veteran of anticorporate boycott battles in public health, having spearheaded extended boycotts of Nestle and General Electric, both of which ended in industry concessions.<sup>44</sup> This caused new industry concern. At Philip Morris, covert intelligence gathering began with the Burson-Marsteller public relations firm, as described in a memo to Craig Fuller from Barry Holt: “The basic research with INFACCT would be done without any mention of the [tobacco industry] client.”<sup>45</sup> Burson-Marsteller, according to Holt, had “third-party contacts that can access information (anonymously) on the organization and its activities.”<sup>46</sup> A 5-page report concluded with plans for a third-party meeting with INFACCT leadership “to assess level and degree of resources and commitment to the campaign.”<sup>47</sup> The material was probably prepared by Sheila Raviv of Burson-Marsteller.<sup>48</sup>

Burson-Marsteller recommended a wait-and-see response. However, by September 1993, the Interfaith Center on Corporate Responsibility (ICCR) had joined INFACCT's campaign. According to the intelligence sources, “this is the type of action we feared . . . recommend that we expand our intensive information-finding to ICCR and step up our information-gathering of INFACCT.”<sup>49</sup> ICCR, a respected coalition of groups including several religious orders, would be more difficult for the industry to discredit as “extreme.”

In early 1994, Philip Morris discussions of the INFACCT/STAT/ICCR campaign began to refer to “the critic” rather than using the organizations' names, perhaps reflecting an increasingly sensitive internal climate. A presentation by Raviv in March emphasized that the “landscape of anti-tobacco activists is changing; new critics bring new tactics . . . [such as] corporate accountability, boycotting companies . . . mobilizing broader constituencies . . . e.g., human rights groups, children's and youth groups, religious groups *and even smokers* [emphasis in original].”<sup>50,51</sup> Burson-Marsteller's recommendation was as follows: “Responding to it legitimizes INFACCT and

gives the group credibility . . . but put in place mechanisms to counter expected offshoots of campaign. Continue critic monitoring . . . determine which groups have been solicited by INFACCT to join campaign.”<sup>51</sup> To date, no documents have been located that describe what these “mechanisms” were or whether they were used.

On April 11, 1994, Raviv notified Holt that the INFACCT boycott media announcement was imminent.<sup>52</sup> She suggested “intensifying our efforts to identify the depth of support for the critics' efforts and to determine whether any organizations disapprove of the critics' tactics . . . identify and develop unofficial lines of communication with groups and individuals who may privately oppose these tactics.”<sup>53</sup> As the boycott was launched, memos reflect Philip Morris's efforts to stay apprised of the situation on a moment-to-moment basis. “We are continuing to monitor the situation throughout the country, particularly keeping a close watch for any activities during this evening's rush hour,” wrote Darienne Dennis, manager of external communications at Philip Morris. “We will update you on any new developments as we become aware of them.”<sup>54</sup>

The INFACCT/STAT/ICCR campaign was apparently very effective in generating a public response. As of May 10, 1994, Philip Morris reported receiving almost 15 000 postcards and letters.<sup>55</sup> A memo to Holt from Pat Ford and Eileen Burke of Burson-Marsteller noted that “we have also learned that the critic is reportedly receiving 200 inquiries a month on the boycott, several of which are international requests. . . . By capitalizing on its strong ties with [ICCR], the critic could easily increase the scope and size of its coalition. . . . This tactic could swiftly increase the number of boycotters and provide numerous vehicles for communicating the critic's message.”<sup>56</sup> A meeting was scheduled for June 2 at Burson-Marsteller's Washington, DC, office to “coordinate a comprehensive strategy.”<sup>57</sup> The agenda for this meeting included “techniques for dealing with critics,” and the agenda packet included detailed descriptions of both STAT and INFACCT.<sup>58</sup>

R.J. Reynolds was also a target of the campaign. Yancey Ford, executive vice president for sales, wrote to customers and retailers, suggesting that INFACCT “is really interested in

censorship” and asserting: “If our company believed that Camel advertising was causing children to start smoking, we would pull the campaign without having to be asked.”<sup>59,60</sup> Ford requested customers to act as intelligence agents for the industry: “If you are contacted, please call . . . immediately and let us know.”<sup>60</sup>

In August 1994, Pat Ford of Philip Morris warned colleagues again that INFACT’s allies were “not typical ‘anti’ groups” but, rather, “established, respected religious organizations with a long history of corporate pressure.”<sup>61</sup> An attached draft presentation also cautioned that the “risk always exists that [the] group will use innovative tactic[s], e.g., producing documentaries, that could involve and activate a larger segment of the population—particularly outside the United States, and especially in Europe.” A major worry was that INFACT might produce a film and distribute it through nontraditional outlets, such as MTV.<sup>61</sup>

The next draft of the critic boycott plan encouraged use of the Philip Morris “sales force as [an] intelligence network to monitor local critic activities.”<sup>62</sup> It included warnings for retailers who seemed sympathetic toward the boycott: “If you become one who is known to succumb to activist pressures, you will invite other extremist groups to threaten action against you in the future.”<sup>62</sup> As the boycott continued into autumn 1994, Philip Morris began a training program for senior management officials at affiliated companies whose products were being boycotted. Training included “critic tactics and boycott history, guidelines for managing activists, media, customers, minimal ‘paper trail.’”<sup>63</sup>

By the following spring, INFACT was reportedly in need of funding to continue its work, according to an April 4, 1995, memo to Barry Holt from Pat Ford and Eileen Burke. A handwritten note at the bottom of the confidential memo describing a fundraising letter and INFACT’s “Face the Faces” campaign (a visual display of photographs of those killed by tobacco) added: “they aren’t getting the funds but they still plan something.”<sup>64</sup> It is unclear how the industry knew that INFACT was not “getting the funds.”

In a 1992 speech, Steve Parrish of Philip Morris corporate affairs had expressed concern about the prospects of “antis with media and money” and product boycotts. The plan

was to continue efforts to “redirect funding of antis to pressing social needs” instead of tobacco control efforts.<sup>65</sup> The speech did not identify which “antis” were being discussed, and to date no further documents addressing INFACT issues have been located. However, there is evidence the industry used this strategy to undermine state-funded tobacco control programs.<sup>4</sup> According to STAT activists, that organization was likewise in financial straits. Large funders were no longer supporting STAT, and other tobacco control groups, including the new, well-funded Center for Tobacco Free Kids, were competitors (B. Godshall, former STAT board director, oral communication, August 2001; J. Sopenski, former STAT executive director, oral communication, July 2001).

Despite INFACT’s apparently weakening financial situation, Philip Morris executives worried about the coalition’s plan to submit a shareholder proposal for the 1995 Philip Morris stockholder’s meeting, especially if accompanied by protests. Darienne Dennis reassured several colleagues: “this is a ‘dog bites man story,’ in that there is not much news value to the fact that people do not like tobacco companies.”<sup>66</sup> Four proposals from tobacco control advocates were presented. An industry public relations–advertising firm reported later: “All shareholder proposals were defeated despite the usual anti-activists having their four minutes of fame (Alan Blum, Father Crosby, INFACTS [sic] and Anne Morrow Donnelly/GASP).”<sup>67</sup>

Activists also were expected at the R.J. Reynolds annual meeting. Maura Ellis of R.J. Reynolds sent a note to Jim Johnston, the company’s chairman and CEO, and Tom Griscom, vice president of external relations, on April 10 noting “known ‘antis’ who will be present at the annual meeting. . . . Attached is detailed background information Herb Osmon has collected on some of the people.”<sup>68</sup> R.J. Reynolds apparently continued to receive information on tobacco control groups from third parties, as evidenced by the presence in the R.J. Reynolds documents of a signed letter sent in 1997 to Working Assets, a progressive telephone company that donates funding to public health and environmental groups. The letter, nominating INFACT for the Member Contribution Ballot, was copied to Kathy Mul-

vey, INFACT’s executive director, whose name is circled.<sup>69</sup>

### Postscript: STAT and INFACT Today

According to INFACT’s Web site,<sup>70</sup> the Kraft Foods/Philip Morris boycott and campaign against the tobacco industry continue, with endorsements by groups in the United States and other countries. INFACT has become a major international tobacco control presence, now recognized in “official relations” with the World Health Organization. As a founding member of Accountability of the Tobacco Transnationals, a coalition of 65 organizations from 40 countries working to build support for strong corporate accountability measures in the International Framework Convention on Tobacco Control, INFACT has been able to expand its work despite the industry’s efforts to thwart it. STAT’s Web site is still operating, but the organization closed its doors in 2001 as a result of lack of funds.<sup>71</sup>

### DISCUSSION

Although it may not be surprising that the tobacco industry would be interested in its opponents, the covertness and intensity of the surveillance described here are remarkable. For example, the covert taping of the 1992 STAT strategy meeting, in addition to violating social norms and meeting rules, also violated Massachusetts state law and the code of ethics for business intelligence professionals. Massachusetts Statute 272 §99 (amended 1968) calls for penalties of up to 5 years in prison and \$10 000 for such “interception” of communication. The Society of Corporate Intelligence Professionals code of ethics requires compliance “with all applicable laws, domestic and international,” and accurate disclosure of “all relevant information, including one’s identity and organization, before all interviews.”<sup>9</sup> The taping constitutes a clear violation of both and was apparently used by someone to attempt to discredit STAT.

Campaigns that focus on industry activities represent a special problem for the tobacco industry, because “negative statements in the media put the company on the defensive . . . causing greater scrutiny of our actions and activities by general public, shareholders, em-



ployees and plant communities.<sup>72</sup> The recent, well-publicized Philip Morris campaign to remake the company's image (even renaming the entire Philip Morris parent corporation "Altria" in an attempt to shed its tobacco associations) demonstrates the importance of public relations and public opinion to corporate legitimacy and, in turn, the importance of legitimacy to the tobacco industry's survival and growth.<sup>73</sup> As international tobacco control leaders have argued, the tobacco industry needs "respectability" to buttress its political power and avoid regulatory attention.<sup>1</sup> Industry-focused public health campaigns disrupt the industry's carefully constructed images and promote public discourse on the ethical aspects of tobacco promotion.

This study shows that tobacco industry surveillance extends beyond attendance at public meetings. The industry response in the case described above included aggressive intelligence gathering,<sup>13,14</sup> use of intermediaries to obtain organizations' printed materials under false pretenses,<sup>21,45,46</sup> use of public relations specialists as spies,<sup>23</sup> and covert audiotaping.<sup>39,40</sup> In addition, the documents show that cigarette companies coordinated among themselves to share information<sup>29</sup> and maintained detailed lists of industry critics.<sup>16,74</sup>

Other strategies the industry used or contemplated using against STAT/INFACT included publicly minimizing the effects of a boycott,<sup>25</sup> attempting to portray the organizations' leaders as too "extreme,"<sup>35</sup> attempting to exploit potential areas of disagreement with the organizations' allies,<sup>51</sup> and "redirecting" funding for "anti" organizations to other causes.<sup>65</sup> The tobacco industry finds campaigns that focus on its corporate activities particularly threatening, and it especially fears the effects of anti-industry documentaries aimed at a youth–young adult audience.

This study has several limitations. Because of the sheer volume of documents contained in the repositories and the inadequate indexing, it was not possible to ensure that all relevant documents were retrieved. For example, no documents describing how the industry may have attempted to derail funding for STAT/INFACT have been located, so it is not possible to say whether this strategy was implemented or merely contemplated. Further studies should compare the industry's re-

sponse to STAT/INFACT with its response to other public health groups. Despite its limitations, this study shows that tobacco industry spying is real. Public health groups must anticipate industry surveillance, take steps to address it, and consider whether third parties may be involved in obstructing their activities. ■

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